



Senate

General Assembly

File No. 422

February Session, 2012

Substitute Senate Bill No. 309

Senate, April 16, 2012

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PROBATE COURT OPERATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-34 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 The following words and phrases as used in sections 45a-34 to 45a-
4 54, inclusive, as amended by this act, and section 45a-75 except as
5 otherwise provided, shall have the following meanings:

6 (1) "Average final compensation" means, (A) in the case of a judge of
7 probate, the average annual compensation for the three highest paid
8 years of service while serving in the probate court to which the judge
9 was elected or by citation to any other court or courts, including any
10 compensation received for service (i) on or after June 1, 2004, as an
11 administrative judge for a regional children's probate court under
12 section 45a-8a, as amended by this act, or (ii) on or after July 1, 2007, as
13 a special assignment probate judge under section 45a-79b, as amended
14 by this act, provided, for the purposes of this section, the

15 compensation for any one year shall not exceed the maximum net
16 annual income currently allowed by law, and, (B) in the case of an
17 employee, the average annual rate of pay during the employee's three
18 highest paid years of employment;

19 (2) "Credited service" means (A) all periods during which a person
20 held the office of judge of probate and (i) any period of service elected
21 by a judge pursuant to section 45a-36a, and (ii) any period of service as
22 an administrative judge for a regional children's probate court after
23 such judge ceases to serve as a probate judge, provided such
24 administrative judge works as an administrative judge at least one
25 thousand hours per year, or (B) [any period] all periods during which
26 a person served as an employee of any probate court, or (C) subject to
27 the requirements of subsections (a) and (b) of section 45a-54, a period
28 of not more than three years for service as a member of the General
29 Assembly and military service, or (D) the aggregate of any periods of
30 service provided for in subparagraphs (A), (B) and (C) of this
31 [subsection] subdivision;

32 (3) "Employee" means (A) with respect to a person employed or
33 who serves prior to January 1, 2011, a person employed by any probate
34 court for more than four hundred thirty hours per year or a person
35 who served for more than four hundred thirty hours per year
36 performing under any contract of employment with any court of
37 probate, and (B) with respect to a person first employed or who first
38 serves on or after January 1, 2011, a person employed by any probate
39 court for at least one thousand hours per year or a person who serves
40 at least one thousand hours per year performing under any contract of
41 employment with any court of probate;

42 (4) "Fund" means the retirement fund established by section 45a-35;

43 (5) "Judge" means a judge of probate, except that, with respect to a
44 judge first elected for a term beginning on or after January 5, 2011,
45 judge means a person who holds the office of judge of probate and
46 works in such judge's capacity as a judge of probate for at least one
47 thousand hours per year as determined pursuant to information filed

48 by the judge of probate with the Probate Court Administrator
49 pursuant to subsection (h) of section 5-259;

50 (6) "Member" means any judge of probate or employee who is or
51 may become eligible for retirement benefits under sections 45a-34 to
52 45a-54, inclusive, as amended by this act, and 45a-75;

53 (7) "Normal retirement age" means the age of sixty-two for any
54 judge of probate or any employee;

55 (8) "Old Age and Survivors System" means the system established
56 under Title II of the Social Security Act, as amended;

57 (9) "Pay" means the salary, wages or earnings of an employee, but
58 does not include any fees or allowances for expenses;

59 (10) "Retirement Commission" means the State Retirement
60 Commission; and

61 (11) "Social Security Act" means the Act of Congress, approved
62 August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the Social
63 Security Act, including regulations issued pursuant thereto, as such act
64 has been and may from time to time be amended.

65 Sec. 2. Subsection (a) of section 45a-45 of the general statutes is
66 repealed and the following is substituted in lieu thereof (*Effective July*
67 *1, 2012*):

68 (a) Each judge of probate shall contribute to the fund three and
69 three-quarters per cent of that portion of the judge's annual
70 compensation, including any compensation received as an
71 administrative judge for a regional children's probate court under
72 section 45a-8a, as amended by this act, or as a special assignment
73 probate judge under section 45a-79b, as amended by this act, with
74 respect to which contributions are not made to the Federal Old Age
75 and Survivors System as provided for in sections 7-452 to 7-459,
76 inclusive, and one per cent of that portion from which such
77 contributions are made. The Probate Court Administrator shall deduct

78 the judge's contributions from the judge's compensation and shall
79 forward such contributions to the Retirement Commission to be
80 credited to the retirement fund on the judge's account.

81 Sec. 3. Subdivision (1) of subsection (f) of section 45a-8a of the 2012
82 supplement to the general statutes is repealed and the following is
83 substituted in lieu thereof (*Effective July 1, 2012*):

84 (f) (1) The Probate Court Administrator, with the advice of the
85 participating probate judges of the districts located in the designated
86 region, shall appoint an administrative judge for each regional
87 children's probate court. The administrative judge shall be a probate
88 judge at the time of such appointment. If the administrative judge
89 ceases to serve as a probate judge after such appointment, the
90 administrative judge may continue to serve as administrative judge at
91 the pleasure of the Probate Court Administrator, but shall not have the
92 powers granted to an elected probate judge and shall not hear and
93 determine children's matters before such regional children's probate
94 court. Subject to the approval of the Chief Court Administrator, the
95 Probate Court Administrator shall fix the compensation of the
96 administrative judge and such compensation shall be paid from the
97 Probate Court Administration Fund. Such compensation, together with
98 the administrative judge's compensation as a probate judge of the
99 district to which he or she was elected, shall not exceed the
100 compensation provided for a judge of probate under subdivision (4) of
101 subsection (a) of section 45a-95a. The administrative judge shall have
102 such benefits as may inure to him or her as a probate judge and shall
103 receive no additional benefits, except for compensation provided
104 under this section and retirement benefits calculated in accordance
105 with sections 45a-34 to 45a-54, inclusive, as amended by this act.

106 Sec. 4. Subsection (b) of section 45a-79b of the general statutes is
107 repealed and the following is substituted in lieu thereof (*Effective July*
108 *1, 2012*):

109 (b) Subject to the approval of the Chief Court Administrator, the
110 Probate Court Administrator shall fix the compensation of special

111 assignment probate judges appointed pursuant to this section. Such
112 compensation shall, on the order of the Probate Court Administrator,
113 be paid from the Probate Court Administration Fund established
114 under section 45a-82. Such compensation, including compensation that
115 a special assignment probate judge receives as a judge of probate of the
116 district to which the judge was elected, shall not exceed the
117 compensation provided for a judge of probate under subdivision (4) of
118 subsection (a) of section 45a-95a. A special assignment probate judge
119 shall have such benefits as may inure to him or her as a judge of
120 probate and shall receive no additional benefits, except compensation
121 provided under this subsection and retirement benefits calculated in
122 accordance with sections 45a-34 to 45a-54, inclusive, as amended by
123 this act.

124 Sec. 5. Subsection (b) of section 45a-43 of the general statutes is
125 repealed and the following is substituted in lieu thereof (*Effective from*
126 *passage*):

127 (b) Except as provided in subsection (c) of this section, if any
128 member who has not exercised his option under subsection (a) of this
129 section dies after January 1, 1968, and before [his] having elected
130 retirement or before his retirement income payments begin, but after
131 [completion of the age and service] satisfying the requirements of
132 sections 45a-36 to 45a-39, inclusive, as amended by this act, that would
133 permit him to retire on his own application, and [he] such member is
134 survived by a spouse, a retirement income shall be paid monthly to his
135 spouse, commencing at his death and ending upon the death of the
136 spouse. The amount payable shall be the average of (1) fifty per cent of
137 the retirement allowance payable to the member for his lifetime if no
138 payments were to continue after the member's death, and (2) fifty per
139 cent of the reduced retirement allowance that such member would
140 have received if he had retired on the date of his death with the
141 provision that after his death his spouse would receive one-half of the
142 amount payable to the member.

143 Sec. 6. Section 45a-55 of the general statutes is repealed and the

144 following is substituted in lieu thereof (*Effective October 1, 2012*):

145 (a) Any claim for a pension [or any other benefit] which may
146 become available in accordance with the provisions of sections 45a-1 to
147 45a-12, inclusive, 45a-18 to 45a-26, inclusive, 45a-34 to 45a-56,
148 inclusive, as amended by this act, 45a-62 to 45a-68, inclusive, 45a-74 to
149 45a-83, inclusive, as amended by this act, 45a-90 to 45a-93, inclusive,
150 45a-98, 45a-99, 45a-105, 45a-119 to 45a-123, inclusive, 45a-128, 45a-130,
151 45a-131, 45a-133, 45a-199 and 45a-202, may be submitted in writing to
152 the commission. Any such claim will be reviewed and decided by the
153 commission. The claimant shall be advised of the processing status of
154 [his] the claim upon reasonable request.

155 (b) If any claim is denied, a claimant may request that the decision
156 be reviewed and reconsidered by the commission. Thereafter, any
157 contested case shall be heard and decided in accordance with chapter
158 54.

159 Sec. 7. Section 45a-76 of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective October 1, 2012*):

161 The Probate Court Administrator shall file with the Chief Court
162 Administrator, on or before the first day of April of each even-
163 numbered year, a report of the business of the office of the Probate
164 Court Administrator during the [year] biennium ending on the
165 [previous thirty-first day of December] preceding June thirtieth,
166 together with any information [which] that the Chief Court
167 Administrator may request.

168 Sec. 8. Subsection (d) of section 45a-287 of the 2012 supplement to
169 the general statutes is repealed and the following is substituted in lieu
170 thereof (*Effective from passage*):

171 (d) All property of a testator whose will is proved under this section
172 shall be subject to the laws of this state relating to the taxation of
173 inheritances and successions, except that such laws shall not be
174 applied on the basis that the testator was a domiciliary of this state

175 unless there is a finding that such person was domiciled in this state as
176 provided in section 45a-309. [Costs of the court of probate under
177 section 45a-105, for proceedings in the settlement of the estate of a
178 nondomiciliary testator whose will is proved under this section, shall
179 be determined on the basis of an assumed gross taxable value equal to
180 the sum of (1) the actual gross taxable estate determined under section
181 12-349 and (2) the value set forth in the inventory of such estate under
182 section 45a-341 of all property therein which is not part of the actual
183 gross taxable estate, excluding any insurance proceeds exempt from
184 taxation under section 12-342.]

185 Sec. 9. Section 45a-623 of the general statutes is repealed and the
186 following is substituted in lieu thereof (*Effective January 1, 2013*):

187 [In any proceeding] Before a hearing on the merits in any case under
188 sections 45a-603 to 45a-622, inclusive, that is contested, the Court of
189 Probate shall, [upon] on motion of any party other than a party who
190 made application for the removal of a parent as a guardian, [under
191 rules adopted by the judges of the Supreme Court] or may, on the
192 court's own motion or motion of the party who made application for
193 the removal of a parent as a guardian, transfer the case to the Superior
194 Court in accordance with rules adopted by the judges of the Supreme
195 Court. In addition to the provisions of this section, the Court of
196 Probate may, on the court's own motion or [that] motion of any
197 interested party, transfer any proceeding under sections 45a-603 to
198 45a-622, inclusive, to [another judge of probate, which judge shall be
199 appointed by the Probate Court Administrator from a panel of
200 qualified probate judges who specialize in children's matters. Such
201 panel shall be proposed by the Probate Court Administrator and
202 approved by the executive committee of the Connecticut Probate
203 Assembly] a regional children's probate court established pursuant to
204 section 45a-8a, as amended by this act. If the case is transferred and
205 venue altered, the clerk of the Court of Probate shall transmit to the
206 clerk of the Superior Court [,] or the regional children's probate court
207 to which the case was transferred, the original files and papers in the
208 case.

209 Sec. 10. Subsection (g) of section 45a-715 of the general statutes is
210 repealed and the following is substituted in lieu thereof (*Effective*
211 *January 1, 2013*):

212 (g) Before a hearing on the merits in any case in which a petition for
213 termination of parental rights is contested in a court of probate, the
214 court of probate shall, on the motion of any legal party except the
215 petitioner, or may on its own motion or that of the petitioner, [under
216 rules adopted by the judges of the Supreme Court,] transfer the case to
217 the Superior Court in accordance with rules adopted by the judges of
218 the Supreme Court. In addition to the provisions of this section, the
219 probate court may, on the court's own motion or that of any interested
220 party, transfer any termination of parental rights case to [another judge
221 of probate, which judge shall be appointed by the Probate Court
222 Administrator from a panel of qualified probate judges who specialize
223 in children's matters. Such panel shall be proposed by the Probate
224 Court Administrator and approved by the executive committee of the
225 Connecticut Probate Assembly] a regional children's probate court
226 established pursuant to section 45a-8a, as amended by this act. If the
227 case is transferred, the clerk of the Court of Probate shall transmit to
228 the clerk of the Superior Court [,] or the regional children's probate
229 court to which the case was transferred, the original files and papers in
230 the case. The Superior Court or the regional children's probate court to
231 which the case was transferred, upon hearing after notice as provided
232 in sections 45a-716 and 45a-717, may grant the petition as provided in
233 section 45a-717.

234 Sec. 11. (NEW) (*Effective October 1, 2012*) (a) A matter being heard at
235 a regional children's probate court may be assigned to a probate court
236 officer to perform any of the following functions:

237 (1) Conduct conferences with interested parties, attorneys for
238 interested parties, representatives from the Department of Children
239 and Families and social service providers, when appropriate;

240 (2) Facilitate the development of the family's plan for the care of the
241 minor;

- 242 (3) Facilitate the development of a visitation plan;
- 243 (4) Coordinate with the Department of Children and Families to
244 facilitate a thorough review of the matter being heard;
- 245 (5) Assess whether the family's plan for the care of the minor, if any,
246 is in the minor's best interests;
- 247 (6) Assist the family in accessing community services; and
- 248 (7) Conduct follow-up regarding orders of the court.
- 249 (b) The probate court officer may file with the court a report that
250 may include:
- 251 (1) An assessment of the minor's and family's history;
- 252 (2) An assessment of the parent's and any proposed guardian's
253 involvement with the minor;
- 254 (3) Information regarding the physical, social and emotional status
255 of the interested parties;
- 256 (4) An assessment of the family's plan for the care of the minor; and
- 257 (5) Any other information or data that is relevant to determine if the
258 proposed court action is in the best interests of the minor.
- 259 (c) Any report filed by a probate court officer pursuant to subsection
260 (b) of this section shall be admissible in evidence. If a party or an
261 attorney for a party notifies the court prior to a scheduled hearing that
262 such party or attorney wishes to examine the probate court officer who
263 filed the report, the court shall order such probate court officer to
264 appear at the hearing.

265 Sec. 12. Section 45a-316 of the 2012 supplement to the general
266 statutes is repealed and the following is substituted in lieu thereof
267 (*Effective January 1, 2013*):

268 [(a)] Whenever, upon the application of a creditor or other person

269 interested in the estate of a deceased person, it is found by the court of
270 probate having jurisdiction of the estate that the granting of
271 administration on the estate or the probating of the will of the
272 deceased will be delayed, or that it is necessary for the protection of
273 the estate of the deceased, the court may, with or without notice,
274 appoint a temporary administrator to hold and preserve the estate
275 until the appointment of an administrator or the probating of the will.
276 The court shall require from such administrator a probate bond. If the
277 court deems it more expedient, it may order any state marshal or
278 constable to take possession of the estate until the appointment of an
279 administrator or executor.

280 [(b) Any person interested in the estate of a deceased person and
281 having a need to obtain financial or medical information concerning
282 the deceased person for the limited purpose of investigating a
283 potential cause of action of the estate, surviving spouse, children, heirs
284 or other dependents of the deceased person, or a potential claim for
285 benefits under a workers' compensation act, an insurance policy or
286 other benefits in favor of the estate, surviving spouse, children, heirs or
287 other dependents of the deceased person, may apply to the court of
288 probate having jurisdiction of the estate of the deceased person for the
289 appointment of a temporary administrator. The court of probate may
290 grant the application and appoint a temporary administrator for such
291 limited purpose if the court finds that such appointment would be in
292 the interests of the estate or in the interests of the surviving spouse,
293 children, heirs or other dependents of the deceased person. If the court
294 appoints a temporary administrator under this subsection, the court
295 may require a probate bond or may waive such bond requirement. The
296 court shall limit the authority of the temporary administrator to
297 disclose the information obtained by the temporary administrator, as
298 appropriate, and may issue an appropriate order for the disclosure of
299 such information. Any order appointing a temporary administrator
300 under this subsection, and any certificate of the appointment of a
301 fiduciary issued by the clerk of the court, shall indicate (1) the duration
302 of the temporary administrator's appointment, and (2) that such
303 temporary administrator has no authority over the assets of the

304 deceased person.]

305 Sec. 13. Subsection (a) of section 45a-317 of the 2012 supplement to
306 the general statutes is repealed and the following is substituted in lieu
307 thereof (*Effective January 1, 2013*):

308 (a) The temporary administrator or officer appointed pursuant to
309 the provisions of [subsection (a) of] section 45a-316, as amended by
310 this act, shall take immediate possession of all the real and personal
311 property of the deceased, collect the rents, debts and income thereof
312 and do any additional acts necessary for the preservation of the estate
313 that the court authorizes.

314 Sec. 14. (NEW) (*Effective January 1, 2013*) Any person interested in
315 the estate of a deceased person and having a need to obtain financial or
316 medical information concerning the deceased person for the limited
317 purpose of investigating a potential cause of action of the estate,
318 surviving spouse, children, heirs or other dependents of the deceased
319 person, or a potential claim for benefits under a workers'
320 compensation act, an insurance policy or other benefits in favor of the
321 estate, surviving spouse, children, heirs or other dependents of the
322 deceased person, may apply to the court of probate having jurisdiction
323 of the estate of the deceased person for the appointment of an estate
324 examiner. The court of probate may grant the application and appoint
325 an estate examiner for such limited purpose if the court finds that such
326 appointment would be in the interests of the estate or in the interests of
327 the surviving spouse, children, heirs or other dependents of the
328 deceased person. If the court appoints an estate examiner under this
329 section, the court may require a probate bond or may waive such bond
330 requirement. The court shall limit the authority of the estate examiner
331 to disclose the information obtained by the estate examiner, as
332 appropriate, and may issue an appropriate order for the disclosure of
333 such information. Any order appointing an estate examiner under this
334 section, and any certificate of the appointment of a fiduciary issued by
335 the clerk of the court, shall indicate (1) the duration of the estate
336 examiner's appointment, and (2) that such estate examiner has no

337 authority over the assets of the deceased person.

338 Sec. 15. Section 45a-681 of the general statutes is repealed and the
339 following is substituted in lieu thereof (*Effective October 1, 2012*):

340 (a) The court shall review each guardianship of the person with
341 intellectual disability or limited guardianship of the person with
342 intellectual disability at least every three years and shall either
343 continue, modify or terminate the order for guardianship. Pursuant to
344 such review:

345 (1) The court shall receive and review written evidence as to the
346 condition of the ward. Except as provided in subdivision (2) of this
347 subsection, the guardian [, the attorney for the ward] and a
348 Department of Developmental Services professional or, if requested by
349 the ward or by the court, an assessment team appointed by the
350 Commissioner of Developmental Services or [his] the commissioner's
351 designee shall each submit a written report to the court not later than
352 forty-five days after the court's request for such report.

353 (2) In the case of a ward who is functioning adaptively and
354 intellectually within the severe or profound range of intellectual
355 disability, as determined by the Department of Developmental
356 Services, the court shall receive and review written reports as to the
357 condition of the ward only from the guardian, [and the attorney for the
358 ward, provided] except that the court may require a Department of
359 Developmental Services professional or assessment team to submit a
360 written report as to the condition of such ward.

361 (3) The Department of Developmental Services professional or
362 assessment team shall personally observe or examine the ward within
363 the forty-five-day period preceding the date it submits any report
364 under subdivision (4) of this subsection.

365 (4) Each written report shall be submitted to the court not later than
366 forty-five days after the court's request for such report. On receipt of a
367 written report from the guardian or a Department of Developmental

368 Services professional or assessment team, the court shall provide a
369 copy of the report to the attorney for the ward.

370 (5) Not later than thirty days after the attorney for the ward receives
371 a copy of a report pursuant to subdivision (4) of this subsection, the
372 attorney for the ward shall (A) meet with the ward concerning the
373 report, and (B) provide written notice to the court (i) that the attorney
374 for the ward has met with the ward, and (ii) indicating whether a
375 hearing is requested. Nothing in this section shall prevent the ward or
376 the attorney for the ward from requesting a hearing at any other time
377 as permitted by law.

378 ~~[(3)]~~ (6) If the ward is unable to request or obtain an attorney, the
379 court shall appoint an attorney for the ward. If the ward is unable to
380 pay for the services of the attorney, the reasonable compensation of
381 such attorney shall be established by, and paid from funds
382 appropriated to, the Judicial Department; however, if funds have not
383 been included in the budget of the Judicial Department for such
384 purposes, such compensation shall be established by the Probate Court
385 Administrator and paid from the Probate Court Administration Fund.
386 [The Department of Developmental Services professional or
387 assessment team shall personally observe or examine the ward within
388 the forty-five-day period preceding the date of submission of its
389 report.]

390 (b) If the court determines, after receipt of the reports from [the
391 attorney for the ward,] the Department of Developmental Services
392 professional or assessment team and the guardian, and notice from the
393 attorney for the ward, that there has been no change in the condition of
394 the ward since the last preceding review by the court, a hearing on the
395 condition of the ward shall not be required, but the court, in its
396 discretion, may hold such hearing. If the attorney for the ward, the
397 Department of Developmental Services professional or assessment
398 team or the guardian requests a hearing, the court shall hold a hearing
399 within thirty days of such request. No order expanding or reducing the
400 powers and responsibilities of a guardian shall be issued unless such

401 hearing is held.

402 Sec. 16. Subsection (d) of section 52-60 of the general statutes is
403 repealed and the following is substituted in lieu thereof (*Effective*
404 *January 1, 2013*):

405 (d) Service upon the judge of probate as attorney for the nonresident
406 fiduciary shall be sufficient service upon the nonresident fiduciary,
407 and shall be made by leaving an attested copy of the process with such
408 judge of probate [, who] or with the probate court that appointed the
409 nonresident fiduciary, and such judge or court shall forthwith give
410 notice thereof to such executor, administrator, conservator, guardian
411 or trustee.

412 Sec. 17. Section 52-61 of the general statutes is repealed and the
413 following is substituted in lieu thereof (*Effective January 1, 2013*):

414 Process in civil actions against a nonresident executor,
415 administrator, conservator, guardian or trustee, in his representative
416 capacity, or in his individual capacity in any action founded upon or
417 arising from his acts or omissions as such executor, administrator,
418 conservator, guardian or trustee, may be served by leaving a true and
419 attested copy thereof with the judge of probate [in the district where
420 the estate is in settlement;] or probate court that appointed the
421 nonresident executor, administrator, conservator, guardian or trustee,
422 and such judge or court shall forthwith give notice thereof to such
423 executor, administrator, conservator, guardian or trustee.

424 Sec. 18. Section 1-18 of the general statutes is repealed and the
425 following is substituted in lieu thereof (*Effective October 1, 2012*):

426 The original records, papers or documents [so] reproduced
427 pursuant to this chapter may be disposed of in such manner as [may
428 meet the approval of] approved by (1) the head of the political
429 subdivision in charge thereof, [or the Probate Court Administrator in
430 the case of probate records, with the approval of] and (2) the Public
431 Records Administrator. All other original records, papers or

432 documents so reproduced may be disposed of at the option of the
433 keeper thereof.

434 Sec. 19. Section 11-8 of the general statutes is repealed and the
435 following is substituted in lieu thereof (*Effective October 1, 2012*):

436 (a) Under the direction of the State Library Board, the State
437 Librarian shall be responsible for developing and directing a records
438 management program for the books, records, papers and documents of
439 all state agencies within the executive department, and the books,
440 records, papers and documents of the several towns, cities, boroughs,
441 districts and other political subdivisions of the state, [including the
442 probate districts,] pursuant to the provisions of section 11-8a, as
443 amended by this act. The State Librarian shall also supervise the
444 operation of state records centers; provide photoduplication and
445 microfilming service and document repair and restoration service for
446 state and local records; approve security storage facilities, within or
447 without the state, or establish and operate such facilities within the
448 state, for the safe storage of original public records or security copies
449 thereof; and carry out a program for the identification and
450 preservation of essential records of the state and of its political
451 subdivisions. [He] The State Librarian shall, with the approval of the
452 State Library Board, and in accordance with the provisions of chapter
453 54, adopt regulations for the creation and preservation of the records
454 of the several towns, cities, boroughs and districts [, including probate
455 districts,] of the state. Such regulations shall establish the physical
456 characteristics required for papers, inks, typewriter ribbons, carbon
457 papers, loose-leaf binders, photographic films or other supplies and
458 materials, including photographic or other processes for recording
459 documents, used in the creation of public records; and the design,
460 construction and degree of fire resistance required for safes, cabinets,
461 vaults and file rooms in which public records are housed. [He] The
462 State Librarian shall ascertain from time to time whether the
463 provisions of the general statutes and of such regulations relating to
464 the recording, filing, indexing, maintenance and disposition of such
465 records are being carried out. [He] The State Librarian may order any

466 person having the care and custody of such records to comply with
467 such statutes or with such regulations. [He] The State Librarian shall
468 send a copy of such order to the chief administrative officer of the
469 town, city, borough or district to which the records relate. The order
470 shall specify the time within which [it] the order shall be complied
471 with. [; and, in] In setting such time for compliance, [he] the State
472 Librarian shall take into consideration the availability of facilities or
473 equipment or the need for the construction or purchase thereof. The
474 State Librarian may cause the enforcement of any such order by
475 application to the Superior Court, or to any judge thereof if said court
476 is not then sitting, to issue an appropriate decree or process, which
477 application shall be brought and the proceedings thereon conducted
478 by the Attorney General.

479 (b) The State Librarian shall, subject to the provisions of chapter 67,
480 appoint an assistant who shall be the Public Records Administrator.
481 All powers, functions and duties assigned to the Examiner of Public
482 Records are hereby transferred to the Public Records Administrator.

483 Sec. 20. Subsections (a) and (b) of section 11-8a of the general
484 statutes are repealed and the following is substituted in lieu thereof
485 (*Effective October 1, 2012*):

486 (a) The State Librarian shall, in the performance of his duties
487 pursuant to section 11-8, as amended by this act, consult with the
488 Attorney General, [the Probate Court Administrator and] the chief
489 executive officers of the Connecticut Town Clerks Association and the
490 Municipal Finance Officers Association of Connecticut, or their duly
491 appointed representatives.

492 (b) The State Librarian may require each such state agency, or each
493 political subdivision of the state, [including each probate district,] to
494 inventory all books, records, papers and documents under its
495 jurisdiction and to submit to [him] the State Librarian for approval
496 retention schedules for all such books, records, papers and documents,
497 or [he] the State Librarian may undertake such inventories and
498 establish such retention schedules, based on the administrative need of

499 retaining such books, records, papers and documents within agency
500 offices or in suitable records centers. Each agency head, and each local
501 official concerned, shall notify the State Librarian of any changes in the
502 administrative requirements for the retention of any book, record,
503 paper or document subsequent to the approval of retention schedules
504 by the State Librarian.

505 Sec. 21. Subsection (a) of section 7-24 of the general statutes is
506 repealed and the following is substituted in lieu thereof (*Effective*
507 *October 1, 2012*):

508 (a) Each town clerk who is charged with the custody of any public
509 record shall provide suitable books, files or systems, acceptable to the
510 Public Records Administrator, for the keeping of such records and
511 may purchase such stationery and other office supplies as are
512 necessary for the proper maintenance of the town clerk's office. Such
513 books, files or systems, and such stationery and supplies shall be paid
514 for by the town, and the selectmen of the town, on presentation of the
515 bill for such books, files, systems, stationary and supplies properly
516 certified to by the town clerk, shall draw their order on the treasurer in
517 payment for the same. Each person who has the custody of any public
518 record books of any town, city [,] or borough [or probate district] shall,
519 at the expense of such town, city [,] or borough, [or probate district,]
520 cause them to be properly and substantially bound. Such person shall
521 have any such records which have been left incomplete made up and
522 completed from the usual files and memoranda, so far as practicable.
523 Such person shall cause fair and legible copies to be seasonably made
524 of any records which are worn, mutilated or becoming illegible, and
525 shall cause the originals to be repaired, rebound or renovated, or such
526 person may cause any such records to be placed in the custody of the
527 Public Records Administrator, who may have them repaired,
528 renovated or rebound at the expense of the town, city [,] or borough
529 [or probate district] to which they belong. Any custodian of public
530 records who so causes such records to be completed or copied shall
531 attest [them] such records and shall certify, under the seal of such
532 custodian's office, that [they] such records have been made from such

533 files and memoranda or are copies of the original records. Such records
534 and all copies of records made and certified to as provided in this
535 section and on file in the office of the legal custodian of such records
536 shall have the force of the original records. All work done under the
537 authority of this section shall be paid for by the town, city [.] or
538 borough [or probate district] responsible for the safekeeping of such
539 records, but in no case shall expenditures exceeding three hundred
540 dollars be made for repairs or copying records in any one year in any
541 town, [or any probate district comprising one town only, unless the
542 same are authorized by a vote of the town, or in any probate district
543 comprising two or more towns, unless the same are authorized by the
544 first selectmen of all the towns included in such district] city or
545 borough.

546 Sec. 22. Section 45a-10 of the general statutes is repealed and the
547 following is substituted in lieu thereof (*Effective October 1, 2012*):

548 (a) Each judge of probate shall keep the records and files of the court
549 of probate for the district in a fire-resistant safe or vault, in office space
550 provided for that purpose by the town or towns comprising the district
551 in which [he is] the judge serves, except when the records and files are
552 in actual use for the purpose of examination, recording, copying [.] or
553 entry, or when the records and files, after being recorded or copied, are
554 placed in storage as records and files not in current use. If such safe or
555 vault or office space is not provided for [that] such purpose, the chief
556 administrative officers of the town or towns comprising the district
557 shall provide the safe or vault or office space. [at the expense of the
558 town or towns] The expense of providing such safe or vault or office
559 space shall be paid by the town or towns comprising the district in
560 such proportion as the towns may determine by agreement, or, in the
561 absence of such agreement, in proportion to their grand lists last
562 perfected.

563 (b) If the proper authorities in any probate district fail to provide
564 such safe or vault or office space, the Public Records Administrator
565 may order the proper authorities in the probate district to provide such

566 safe or vault or office space. If such provision is not made within a
567 reasonable time thereafter, the Public Records Administrator shall so
568 advise the State Librarian, who may seek enforcement of compliance
569 with the order. [as provided in section 11-8.] The State Librarian shall
570 send a copy of such order to the chief administrative officers of the
571 town or towns comprising the district, the Probate Court
572 Administrator and the judge of the probate district. The order shall
573 specify the time within which the order shall be complied with. In
574 setting such time for compliance, the State Librarian shall take into
575 consideration the availability of facilities or equipment or the need for
576 the construction or purchase thereof. The State Librarian may cause the
577 enforcement of any such order by application to the Superior Court, or
578 to any judge thereof if said court is not then sitting, to issue an
579 appropriate decree or process, which application shall be brought and
580 the proceedings thereon conducted by the Attorney General.

581 (c) All fire-resistant rooms or vaults and all safes for the safekeeping
582 of any such public records shall conform to regulations adopted by the
583 Public Records Administrator, in accordance with chapter 54, and shall
584 be furnished with fittings of a noncombustible nature.

585 Sec. 23. Section 45a-77 of the general statutes is repealed and the
586 following is substituted in lieu thereof (*Effective October 1, 2012*):

587 (a) The Probate Court Administrator may attend to any matters that
588 the Probate Court Administrator considers necessary for the efficient
589 operation of the courts of probate and for the expeditious dispatch and
590 proper conduct of the business of such courts. The Probate Court
591 Administrator shall administer and enforce the provisions of this
592 chapter and the regulations issued under this section, and shall ensure
593 performance of the duties of judges of probate and clerks of the courts
594 of probate in accordance with the provisions of this chapter and such
595 regulations. The Probate Court Administrator may make
596 recommendations to the General Assembly for legislation for the
597 improvement of the administration of the courts of probate.

598 (b) The Probate Court Administrator may issue and shall enforce

599 regulations, provided such regulations are approved in accordance
600 with subsection [(c)] (d) of this section. Such regulations shall be
601 binding on all courts of probate and shall concern the following
602 matters for the administration of the probate court system: (1)
603 Auditing, accounting, statistical, billing, recording, filing, [record
604 maintenance] records management and other court procedures; (2)
605 reassignment and transfer of cases; (3) training of court personnel and
606 continuing education programs for judges of probate, probate
607 magistrates, attorney probate referees and court personnel; (4)
608 remitting funds received by the courts of probate under section 45a-7a
609 to the Probate Court Administration Fund; (5) administering the
610 compensation plan established under section 45a-85 for employees of
611 the courts of probate; (6) establishing criteria for staffing levels for the
612 courts of probate for the purposes of subsection (b) of section 45a-85;
613 (7) establishing criteria for the development and approval of
614 miscellaneous office budgets for the courts of probate for the purposes
615 of subsection (b) of section 45a-85; (8) expending funds from the
616 Probate Court Administration Fund for the purposes set forth in the
617 regulations adopted pursuant to subdivisions (4) to (7), inclusive, of
618 this subsection; and (9) the enforcement of the provisions of this
619 chapter and the regulations issued pursuant to this section, including,
620 but not limited to, recovery of expenses associated with any such
621 enforcement, as permitted by such regulations.

622 (c) The Probate Court Administrator may, in consultation with the
623 Public Records Administrator, issue and enforce regulations under
624 subsection (b) of this section, or establish policies or retention
625 schedules, for the management, preservation and disposition of
626 judicial records, papers and documents and administrative records
627 maintained by the courts of probate.

628 [(c)] (d) (1) Either the Probate Court Administrator or the executive
629 committee of the Connecticut Probate Assembly may propose
630 regulations authorized under subsection (b) of this section. Any
631 regulation proposed by the Probate Court Administrator shall be
632 submitted to the executive committee of the Connecticut Probate

633 Assembly for approval. Any regulation proposed by the executive
634 committee of the Connecticut Probate Assembly shall be submitted to
635 the Probate Court Administrator for approval. If either the Probate
636 Court Administrator or the executive committee of the Connecticut
637 Probate Assembly fails to approve a proposed regulation, such
638 proposed regulation may be submitted to a panel of three Superior
639 Court judges appointed by the Chief Justice of the Supreme Court. The
640 panel of judges, after consideration of the positions of the Probate
641 Court Administrator and the executive committee of the Connecticut
642 Probate Assembly, shall either approve the proposed regulation or
643 reject the proposed regulation.

644 (2) Any proposed new regulation and any change in an existing
645 regulation issued under this section on or after July 1, 2007, shall be
646 submitted to the joint standing committee of the General Assembly
647 having cognizance of matters relating to the judiciary for approval or
648 disapproval in its entirety, provided, if more than one proposed new
649 regulation or change in an existing regulation is submitted at the same
650 time, said committee shall approve or disapprove all such proposed
651 new regulations and changes in existing regulations together in their
652 entirety. Unless disapproved by said committee within ninety days of
653 the date of such submittal, each such regulation shall become effective
654 on the date specified in such regulation, but not in any event until
655 ninety days after promulgation.

656 [(d)] (e) The Probate Court Administrator shall regularly review the
657 auditing, accounting, statistical, billing, recording, filing, [record
658 maintenance] records management, administrative and other
659 procedures of the courts of probate.

660 [(e)] (f) The Probate Court Administrator shall, personally, or by an
661 authorized designee of the Probate Court Administrator who has been
662 admitted to the practice of law in this state for at least five years, visit
663 each court of probate at least once during each two-year period to
664 examine the records and files of such court in the presence of the judge
665 of the court or the judge's authorized designee. The Probate Court

666 Administrator shall make any additional inquiries that the Probate
 667 Court Administrator considers appropriate to ascertain whether the
 668 business of the court, including the charging of costs and payments to
 669 the State Treasurer, has been conducted in accordance with law, rules
 670 of the courts of probate, regulations issued under this section and the
 671 canons of judicial ethics, and to obtain information concerning the
 672 business of the courts of probate which is necessary for the Probate
 673 Court Administrator to perform properly the duties of the office.

674 Sec. 24. Subsection (b) of section 45a-8b of the general statutes is
 675 repealed and the following is substituted in lieu thereof (*Effective*
 676 *October 1, 2012*):

677 (b) The Probate Court Administrator shall adopt regulations, in
 678 accordance with subsection [(c)] (d) of section 45a-77, as amended by
 679 this act, to implement the provisions of this section. The regulations
 680 shall establish the criteria for (1) becoming a guardian or an assisted
 681 care provider under the program, (2) the awarding of grants pursuant
 682 to subsection (a) of this section, (3) the provision of services pursuant
 683 to subsection (a) of this section, and (4) obtaining and paying for
 684 studies from private child-placing agencies in connection with
 685 guardianship proceedings.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	45a-34
Sec. 2	<i>July 1, 2012</i>	45a-45(a)
Sec. 3	<i>July 1, 2012</i>	45a-8a(f)(1)
Sec. 4	<i>July 1, 2012</i>	45a-79b(b)
Sec. 5	<i>from passage</i>	45a-43(b)
Sec. 6	<i>October 1, 2012</i>	45a-55
Sec. 7	<i>October 1, 2012</i>	45a-76
Sec. 8	<i>from passage</i>	45a-287(d)
Sec. 9	<i>January 1, 2013</i>	45a-623
Sec. 10	<i>January 1, 2013</i>	45a-715(g)
Sec. 11	<i>October 1, 2012</i>	New section
Sec. 12	<i>January 1, 2013</i>	45a-316

Sec. 13	<i>January 1, 2013</i>	45a-317(a)
Sec. 14	<i>January 1, 2013</i>	New section
Sec. 15	<i>October 1, 2012</i>	45a-681
Sec. 16	<i>January 1, 2013</i>	52-60(d)
Sec. 17	<i>January 1, 2013</i>	52-61
Sec. 18	<i>October 1, 2012</i>	1-18
Sec. 19	<i>October 1, 2012</i>	11-8
Sec. 20	<i>October 1, 2012</i>	11-8a(a) and (b)
Sec. 21	<i>October 1, 2012</i>	7-24(a)
Sec. 22	<i>October 1, 2012</i>	45a-10
Sec. 23	<i>October 1, 2012</i>	45a-77
Sec. 24	<i>October 1, 2012</i>	45a-8b(b)

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill makes various technical and conforming changes that do not result in a fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 309*****AN ACT CONCERNING PROBATE COURT OPERATIONS.*****SUMMARY:**

This bill makes several changes to probate law and related matters. It:

1. conforms to existing practice by specifying that compensation probate judges receive for service as administrative judges for regional children's probate courts or special assignment probate judges are included in their calculations and contributions for purposes of retirement benefits (§§ 1-4);
2. clarifies a surviving spouse's entitlement to a pension when a judge or employee dies in office (§ 5);
3. allows only probate retirees' pension-related disputes, and not those related to other benefits, to be submitted to the state retirement commission (§ 6);
4. reduces the frequency of a probate court administrator reporting requirement (§ 7);
5. clarifies how to determine estate settlement costs for people not domiciled in Connecticut upon their death (§ 8);
6. makes changes affecting transfers of certain children's matters, such as allowing transfers to regional children's probate courts and allowing the probate court, on its own motion, to transfer additional matters to superior court (§§ 9-10);
7. allows regional children's probate court matters to be assigned to probate court officers for specified purposes (§ 11);

8. renames as “estate examiners” the temporary administrators allowed by PA 11-128 for investigating financial or medical information for litigation or other specified purposes (§§ 12-14);
9. changes requirements for attorneys of people with intellectual disabilities in connection with the court’s review of the guardianship (§ 15);
10. allows service of process for nonresident fiduciaries to be made by leaving the process with the probate court, even if the judge is not there (§§ 16-17); and
11. makes several changes related to managing and safekeeping probate court records, including shifting certain responsibilities from the state librarian to the probate court administrator (§§ 18-24).

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Various; see below.

§§ 1-6 — RETIREMENT

§§ 1-4 Contributions and Calculations

The bill specifies that a probate judge’s compensation for computing retirement benefits includes compensation for service as (1) an administrative judge for a regional children’s probate court on or after June 1, 2004 or (2) a special assignment probate judge on or after July 1, 2007. It also specifies that a probate judge’s credited service includes service of at least 1,000 hours per year as an administrative judge for a regional children’s probate court after the judge no longer serves as a probate judge.

The law requires probate judges to contribute to the retirement fund 3.75% of the portion of their annual salary that is not subject to Social Security deductions and 1% of the portion that is subject to these deductions. The bill specifies that for purposes of computing their required contributions, their pay includes compensation received

while serving as an administrative judge for a regional children's probate court or as a special assignment probate judge.

The bill makes other changes clarifying that administrative judges for regional children's probate courts and special assignment probate judges are included within the probate retirement system.

EFFECTIVE DATE: July 1, 2012

§ 5 — *Surviving Spouses*

The bill clarifies that if a married probate judge or employee who has not elected a retirement option dies while in office, but was eligible to retire at the time of death, the surviving spouse is entitled to retirement benefits as set by law.

EFFECTIVE DATE: Upon passage

§ 6 — *Claims to Retirement Commission*

The bill provides that only claims related to a probate retiree's pension, and not claims for other benefits (e.g., health insurance), go to the state retirement commission. (Under specified circumstances, retirees can bring claims or disputes regarding their health insurance to the insurance department.)

EFFECTIVE DATE: October 1, 2012

§ 7 — *REPORT OF PROBATE COURT ADMINISTRATOR*

The bill requires the probate court administrator to submit to the chief court administrator a report on the business of the administrator's office by April 1 of each even-numbered year, rather than every year as current law requires. Under the bill, the report must cover the two-year period ending the previous June 30; current law requires the report to cover the previous calendar year.

EFFECTIVE DATE: October 1, 2012

§ 8 — *ESTATE SETTLEMENT COSTS FOR A NON-DOMICILIARY*

The bill eliminates a provision on determining estate settlement

costs for people who were not domiciled in Connecticut at the time of death and whose wills were proved according to law. The provision provides that costs are based on an assumed gross taxable value equal to the sum of (1) the actual gross taxable estate and (2) the value of the estate's inventory of property that is not part of the actual gross taxable estate, except for any insurance proceeds exempt from taxation by law (e.g., life insurance).

PA 11-128 specified that in a proceeding to settle the estate of someone who was not domiciled in Connecticut at death (whether the person died with a will or intestate), the person is considered to have been domiciled here for purposes of computing estate settlement costs, unless the probate court determines that the in-state proceedings are ancillary to those in the person's state of domicile.

EFFECTIVE DATE: Upon passage

§§ 9-10 — TRANSFER OF CHILDREN'S MATTERS

By law, a probate court must transfer to superior court certain contested matters related to children, including custody and guardianship, on the motion of a party other than one who applied for the removal of a parent or guardian. The bill also allows such transfers upon (1) the motion of the party who applied for a parent's or guardian's removal or (2) the court's own motion. It provides that any such transfer (mandatory or permissive) must occur before there is a hearing on the merits in the case.

The law also provides for the transfer from probate court to superior court of contested cases on the termination of parental rights, before a hearing on the merits. In addition, current law allows the probate court, on its own motion or that of any interested party, to transfer such custody, guardianship, or termination of parental rights cases to another probate judge, whom the probate court administrator selects from a panel specializing in children's matters. The bill instead allows such transfers to regional children's probate courts.

EFFECTIVE DATE: January 1, 2013

§ 11 — PROBATE COURT OFFICERS IN REGIONAL CHILDREN'S PROBATE COURTS

The bill allows matters in regional children's probate courts to be assigned to a probate court officer for specified purposes. These include allowing the officer to:

1. conduct conferences, when appropriate, with interested parties, their attorneys, representatives from the Department of Children and Families (DCF), and social service providers;
2. facilitate the development of visitation and family care plans for the minor;
3. coordinate with DCF to facilitate a thorough review of the matter;
4. assess whether the family's care plan, if any, is in the minor's best interests;
5. help the family to access community services; and
6. follow up on court orders.

The bill allows the probate court officer to file a report with the court that may include:

1. the officer's assessment of the (a) minor's and family's history, (b) parent's and any proposed guardian's involvement with the minor, and (c) family's care plan for the minor;
2. information on the interested parties' physical, social, and emotional status; and
3. any other information or data relevant to the court's determination of the minor's best interests.

Any such report is admissible in evidence. The court must order the officer to appear at a hearing if a party or his or her attorney notifies the court before a scheduled hearing that they want to cross-examine

the officer who filed the report.

EFFECTIVE DATE: October 1, 2012

§§ 12-14 — ESTATE EXAMINERS

By law, probate courts may appoint a temporary administrator upon the application of a creditor or other party interested in a deceased person's estate to protect the property until the will is probated or an administrator is appointed. PA 11-128 also allowed anyone with an interest in a deceased person's estate, and who needs financial or medical information about the deceased person for purposes of a potential lawsuit or other benefits (e.g., insurance), to apply to the probate court to appoint a temporary administrator. The bill renames the administrator in this latter case an "estate examiner" and makes conforming changes.

EFFECTIVE DATE: January 1, 2013

§ 15 — GUARDIANSHIP AND ATTORNEYS FOR PEOPLE WITH INTELLECTUAL DISABILITIES

By law, after a guardian is appointed for someone with an intellectual disability, the probate court must review the guardianship at least every three years. Current law generally requires the review to be based on written reports submitted by the Department of Development Services (DDS), the guardian, and the ward's attorney. The bill eliminates the requirement that the ward's attorney submit the report. It instead requires the court to provide the attorney with a copy of any report on the ward submitted by the guardian or DDS.

Under the bill, within 30 days after receiving a copy of such a report, the ward's attorney must meet with the ward about the report. Within this same time frame, the attorney must also give the court written notice indicating (1) that he or she has met with the ward and (2) whether the attorney or ward is requesting a hearing. The bill specifies that these provisions do not prevent the ward or his or her attorney from requesting a hearing at other times as the law allows.

EFFECTIVE DATE: October 1, 2012

§§ 16-17 — SERVICE OF PROCESS ON OUT-OF-STATE FIDUCIARIES

The bill provides that service of process on a nonresident fiduciary can be made by leaving an attested copy of the process with the probate court that appointed the fiduciary, in lieu of leaving it with the judge him- or herself as current law requires.

This includes service on probate judges as attorneys for nonresident fiduciaries. It also includes service on nonresident fiduciaries (including executors, administrators, conservators, guardians, or trustees) in their representative capacities, or individual capacities in cases related to their service as a fiduciary.

EFFECTIVE DATE: January 1, 2013

§§ 18-24 — PROBATE RECORDS

The bill makes several changes affecting the roles of the probate court administrator, state librarian, and public records administrator in managing probate court records. (By law, the state librarian appoints the public records administrator.)

The bill removes probate district records from the state librarian's records management program and no longer requires the state librarian to consult with the probate court administrator in carrying out his duties. It also eliminates the state librarian's authority to require probate districts to inventory their books, records, papers, and documents and to submit to him for approval, retention schedules for these items.

The bill eliminates the requirement that the probate court administrator get the approval of the public records administrator before disposing of original records, papers, or documents that have been reproduced according to specified procedures under law.

The bill also exempts probate districts from various requirements on the safekeeping of records that currently apply to municipalities and

probate districts. These include that public records be bound; that originals be repaired, rebound, or renovated as needed; and related provisions on the payment for such safekeeping.

§§ 19 & 23 — Regulations

The bill eliminates the requirement that the state librarian adopt regulations, with the state library board's approval, concerning the creation and preservation of probate district records.

Current law allows the probate court administrator, under specified procedures, to adopt regulations on record maintenance. The bill instead refers to regulations on records management. It allows the probate court administrator, in consultation with the public records administrator, to issue and enforce regulations, or establish policies or retention schedules, to manage, preserve, and dispose of probate court records, papers, and documents, including administrative records.

§ 22 — Safe or Vault for Probate Records

The law requires probate judges to keep certain court records and files in a fire-resistant safe or vault, in office space provided by the towns comprising the district. (The requirement does not apply to records or files that are in use or in storage.) Under current law, the towns in the probate district must pay for the safe, vault, and office space, in proportion to their most recent grand lists. The bill instead provides that the expenses will be allocated among the towns as they agree, or if they cannot agree, in proportion to their grand lists.

By law, if the probate districts' proper authorities fail to provide the required safe, vault, or office space, the public records administrator may order them to do so. If they fail to comply within a reasonable time, the public records administrator must alert the state librarian, who may seek enforcement of compliance with the order. Current law requires the state librarian to send a copy of the order to the chief administrative officers of the towns comprising the district. The bill also requires him to send a copy to the probate court administrator and the district's probate judge.

EFFECTIVE DATE: October 1, 2012

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/26/2012)